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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,475	02/23/2005	Hein Otto Folkerts	NL 020802	7522
24737 7590 08/02/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER CRANE, SARA W	
			ART UNIT 2811	PAPER NUMBER
			MAIL DATE 08/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/525,475	Applicant(s) FOLKERTS ET AL.	
	Examiner Sara W. Crane	Art Unit 2811	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 8-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of claims 1-7 in the reply filed on 5/4/2007 is acknowledged. The traversal is on the ground(s) that the burden of doing both of the searches as not been shown. This is not found persuasive because the two sets of claims require different features, in particular the method steps of the method claims requiring a mask and implant steps, would not be specifically required by the device claims, and would require separate search in a separate class, and with separate text terms. Also, the European examiner had noted the Chen reference as an "X" reference, as discussed in a previous Office action, and a previous response. but it does not appear that the method claims were considered separately in the search report. The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al.

See reasons of record in the Office action of 10/11/2006.

Conclusion

Applicant's remarks with respect to the Chen reference have been considered, but the thrust of these remarks is not at all clear to the examiner. In comparing the cover figure of Chen et al. to Figure 4b of Applicant's invention, for example: In each figure there is a reset transistor having a source. Chen's reset transistor RS has source 307, which is inside of a well region labeled "N-Well." Applicant's reset transistor in Figure 4b has a source 7 which extends into region 11, also n-type. In each case, the photosensitive element is a PN junction, formed by these n-type regions and the surrounding p-type material. As noted in the Chen abstract, the photodiode is formed by a n-well, and the source of the reset transistor is merged with the photodiode cathode. In the Chen device, there is, in addition a p-well region which extends from the surface, and extends at least partly below the gate region. This presumably corresponds to, for example, Applicant's region 10, in figure 4b. The "first conductivity type" would therefore be p-type, the conductivity type of the well region which extends below the gate, and the source region and the cathode of the photodiode being n-type, which would be the second conductivity type. So, in comparing the Chen figure with Applicant's figure 4b, for example, the only difference is that the Chen source 307 is completely within the cathode of the photodiode, while in Applicant's device the source regions extends beyond the cathode of the photodiode. But the examiner sees nothing in claim 1, certainly, which would address this difference. So the examiner simply does not understand Applicant's remarks, which state a number of times that there is a difference in structure between the device of claim 1, for example, and the Chen device.

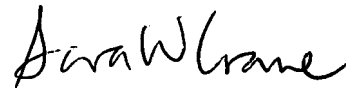
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The issue is simply, what is the difference in structure and where in the claim language is this difference required?

Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Crane, whose telephone number is (571) 272-1652.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sara W. Crane
Primary Examiner
Art Unit 2811